

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ERIN MAUREEN O'LEARY,

Plaintiff,

v.

Case No. 11-CV-14052  
Honorable Denise Page Hood

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ACCEPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION, DENYING PLAINTIFF'S MOTION FOR SUMMARY  
JUDGMENT, GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,  
AND DISMISSING THIS ACTION**

**I. INTRODUCTION**

Plaintiff Erin Maureen O'Leary filed the present action on September 16, 2011 requesting that the Court review the Social Security Commissioner's determination denying her supplemental security income and disability insurance benefits. On January 23, 2013, Magistrate Judge Mona K. Majzoub recommended that the Court deny Plaintiff's Motion for Summary Judgment, grant Defendant's Motion for Summary Judgment, and dismiss Plaintiff's Complaint. For the reasons stated below, the Court accepts the Report and Recommendation's findings of fact and conclusions of law without omission or addition. Therefore, the Commissioner's motion for summary judgment is granted and Plaintiff's motion for summary judgment is denied.

**II. BACKGROUND**

The Magistrate Judge described in great detail the factual basis and the Court adopts the Report and Recommendation's findings of fact in their entirety.

**III. ANALYSIS**

The Court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* Objections to the Report and Recommendation must be timely and specific. *See* Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981) (“The filing of objections provides the district court with the opportunity to consider the specific contentions of the parties and to correct any errors immediately.”) “[O]nly those specific objections to the magistrate’s report made to the district court will be preserved for appellate review; making some objections but failing to raise others will not preserve all the objections a party may have.” *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Necessarily, a party’s failure to file any objections waives his or her right to further appeal, *Id.*, and relieves the Court from its duty to review the matter independently. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Neither Plaintiff nor the Commissioner have filed objections to the Magistrate Judge’s Report and Recommendation. The Court will deem all objections to the Report and Recommendation as waived and accept it in its entirety.

#### IV. CONCLUSION

Accordingly,

**IT IS ORDERED** that Magistrate Judge Mona K. Majzoub’s Report and Recommendation [Docket No. 12, filed January 23, 2013] is **ACCEPTED**. The Court accepts the Report and Recommendation’s findings of fact and conclusions of law in their totality.

**IT IS FURTHER ORDERED** that Plaintiff Erin O’Leary’s Motion for Summary Judgment [Docket No. 8, filed January 20, 2012] is **DENIED**.

**IT IS FURTHER ORDERED** that Commissioner's Motion for Summary Judgment [Docket No. 10, filed March 16, 2012] is **GRANTED**.

**IT IS FURTHER ORDERED** that this action is **DISMISSED**.

**IT IS SO ORDERED.**

S/Denise Page Hood  
Denise Page Hood  
United States District Judge

Dated: February 26, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 26, 2013, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry  
Case Manager